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Sakura Miyawaki, et al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re Ex Parte Application of

Sakura Miyawaki, Chae-won Kim,
Jennifer Yunjin Huh, Kazuha Nakamura,
and Eun-chae Hong,

Applicants.

) CASE NO. 5:24-mc-80132

)
) **DECLARATION OF MI GYEONG**
) **KOO IN SUPPORT OF**
) **APPLICANTS' *EX PARTE***
) **APPLICATION FOR AN ORDER**
) **PURSUANT TO 28. U.S.C. § 1782**
) **AUTHORIZING DISCOVERY IN**
) **AID OF A FOREIGN**
) **PROCEEDING**

)

I, Mi Gyeong Koo, declare that:

1. I am over the age of 18 years old, am competent to testify on the matters stated in this declaration, and I have personal knowledge of the matters stated herein, unless expressly stated otherwise.

2. This declaration is in support of the Applicants' *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in a Foreign Proceeding ("Application").

3. I am the Head of the Marketing Team at SOURCE MUSIC Co., Ltd. (“**SOURCE MUSIC**”), a South Korean entertainment company and music label established in 2009 under the laws of the Republic of Korea (“**Korea**”). SOURCE MUSIC’s principal place of business is in Korea. One of my responsibilities at SOURCE MUSIC is to deal with social media issues, including but not limited to false, defamatory or harassing statements made about the company and its artists.

4. SOURCE MUSIC is a private company engaged in the entertainment business with a focus on managing LE SSERAFIM, a female k-pop group formed by SOURCE MUSIC in 2022. The group consists of five members: Sakura Miyawaki, Chae-won Kim, Jennifer Yunjin Huh, Kazuha Nakamura, and Eun-chae Hong (the “**Applicants**”).

5. An unidentified person using the YouTube handle “@issuefeed” published around fifteen (15) short-form videos (“**Shorts**”¹) about the Applicants between March 5, 2024 and May 28, 2024² on his or her YouTube channel titled “Issue Feed” (Korean original: “이슈피드”). Attached as **Exhibit 1** is a true and correct screenshot of the YouTube channel as of May 29, 2024. The YouTube channel is active as of May 29, 2024³ and has approximately 327,000 subscribers.

6. The YouTube Shorts contain false, defamatory and/or harassing statements about the Applicants. These include but are not limited to the following:⁴

- (a) YouTube Short titled “LE SSERAFIM SMART reference plagiarism controversy that even foreigners are sensing” (Korean original: “외국인들도 느끼고 있다는 르세라핌 SMART 레퍼런스 표절 논란 ㄷㄷ”) dated March 5, 2024:⁵ States that the Applicants’ song titled ‘SMART’ copied Doja Cat’s ‘Woman’ and Tyla’s ‘Water’ in terms of the lyrics, melody, beat, and choreography. It quotes comments from other anonymous individuals including “le ssserafim just doesn’t have a musical identity...,” “This is just a watered down version of water by tyla and

¹ Short-form videos typically lasting up to 60 seconds. See https://www.youtube.com/intl/en_id/creators/shorts/.

² All date and time references are based on Korea Standard Time (KST).

³ <https://www.youtube.com/@issuefeed>.

⁴ I have reviewed the Korean original statements made in the Shorts and hereby confirm the accuracy of their English translation referenced in the subparagraphs.

⁵ <https://www.youtube.com/watch?v=7P54w8pJKjI>.

woman by doja cat lmaoo, ‘keep kpop korean’ they said’,” “smart by le sserafim literally reminds me of water by tyla and clam down by rema and selenA AND woman by doja.” This Short received approximately 2,150,000 views, 39,000 ‘likes’ and 2,500 comments as of May 29, 2024.

(b) YouTube Short titled “Shocking reaction of foreigners after watching LE SSERAFIM’s Coachella stage” (Korean original: “르세라핌 코첼라 무대 본 외국인의 충격적인 반응”) dated April 22, 2024:⁶ States that the Applicants’ “Coachella stage was a mess” (Korean original: “코첼라 무대 망했던 르세라핌”), “foreigner was shocked at the silent live music” (Korean original: “무음 라이브에 경악하는 외국인”), and “the more difficult part was the second Coachella stage / they just went on stage with AR just like Korean music shows / they totally gave up doing live music and just did the choreography” (Korean original: “더 난관은 2회차 코첼라 무대인데 / 아예 국내 음방마냥 AR깎고 무대함 / 라이브는 완전히 포기하고 춤만 춤”). It also quotes comments from other anonymous individuals including “I saw a comment saying that people in karaoke sing better than them,” “Those improved parts are ‘talk singing’, not really singing,” and “When they cant [sic] sing the part, they just scream.” This Short received approximately 243,000 views, 7,400 ‘likes’ and 430 comments as of May 29, 2024.

(c) YouTube Short titled “Creepy meaning behind LE SSERAFIM’s music video that now gives you goose bumps” (Korean original: “이제보니 소름 쭉 돋는 르세라핌 뮤비 속 소름돋는 의미 ㄷㄷ”) dated April 30, 2024:⁷ Implies that the Applicants are associated with a religious cult by stating “LE SSERAFIM’s debut concept: fallen angel / thought it was going for a rebellious concept involving rule breaking... / through recent incident, past music videos attracted attention / creepy symbols came to light one after another... / 1. Symbols about angels / Kazuha’s wing on

⁶ <https://www.youtube.com/watch?v=yKeLhE2yriU>.

1 fire / She rips it off with her own hand... / Not the previous angel
 2 (Christianity) / but made into their own angel” (Korean original:
 3 “르세라핌 데뷔 컨셉: 타락한 천사 / 물을 깨는 반항적인 컨셉인줄
 4 알았는데... / 이번 사태로 지난 MV들이 재조명되며 / 소름돋는
 5 상징들 속속 밝혀짐... / 1. 천사에 대한 상징들 / 불타고 있는
 6 카즈하의 날개 / 자기 손으로 직접 뜯어버리는데... / 기존의
 7 천사(기독교)가 아니라 / 자신들만의 천사로 만들어버림”) This Short
 8 received approximately 2,130,000 views, 53,000 ‘likes’ and 2,600
 9 comments as of May 29, 2024.

10 7. Another unidentified person using the YouTube handle “@shortchajang”
 11 published around sixteen (16) Shorts about the Applicants between April 6, 2024 and May 28,
 12 2024 on his or her YouTube channel titled “Short Chajang” (Korean original: “숏차장”).
 13 Attached as **Exhibit 2** is a true and correct screenshot of the YouTube channel as of May 29,
 14 2024. The YouTube channel is active as of May 29, 2024⁸ and has approximately 193,000
 15 subscribers.

16 8. The YouTube Shorts contain false, defamatory and/or harassing statements about
 17 the Applicants. These include but are not limited to the following:⁹

- 18 (a) YouTube Short titled “What is the truth behind Chae-won Kim’s body
 19 shape that changed?” (Korean original:
 20 “몸매가 달라졌다는 김채원 진실이 뭘까?”) dated April 21, 2024:¹⁰
 21 Focuses on certain parts of LE SSERAFIM Chae-won Kim’s body and
 22 alleges she received plastic surgery. This Short received approximately
 23 1,750,000 views, 32,000 ‘likes’ and 850 comments as of May 29, 2024.
- 24 (b) YouTube Short titled “Sound even after taking off the microphone..?
 25 Bigger controversy with LE SSERAFIM’s second Coachella” (Korean
 26 original: “마이크를 떼도 소리가..? 르세라핌 2차 코첼라 더 뜨거운

27 ⁷ <https://www.youtube.com/watch?v=G7923f3HErU>.

28 ⁸ <https://www.youtube.com/@shortchajang>.

⁹ I have reviewed the Korean original statements made in the Shorts and hereby confirm the accuracy of their English translation referenced in the subparagraphs.

¹⁰ <https://www.youtube.com/watch?v=ya88sVRAY94>.

논란”) dated April 22, 2024:¹¹ States “LE SSERAFIM’s second Coachella stage is controversial / the current state is that there are people that say they improved and also other people that say they used too much AR / Because of the AR, even with the microphone removed apparently there was still transmission of voice” (Korean original: “르세라핌의 2차 코첼라 무대가 논란이다 / 실력이 좋아졌다며 호평하는 사람들과 AR이 너무 심하다는 사람들이 대립중인 현 상황 / AR때문에 마이크를 떼도 목소리가 그대로 송출되었다고 하는데”) and implies they were just lip syncing. This Short received approximately 124,000 views, 1,900 ‘likes’ and 120 comments as of May 29, 2024.

(c) YouTube Short titled “LE SSERAFIM looking so anxious these days..” (Korean original: “요즘 상태가 너무 불안해보이는 르세라핌..”) dated May 4, 2024:¹² States “Controversy with a member involved with school violence and also provocative choreography and outfit / controversy involving plagiarism / encore live / controversial skills” (Korean original: “학폭 이슈 멤버로 논란이 되었고 선정적인 안무와 의상으로 논란 / 표절 논란 / 앵콜 라이브 / 실력으로 또 논란”). This Short received approximately 316,000 views, 4,700 ‘likes’ and 540 comments as of May 29, 2024.

9. These YouTubers’ Shorts have inflicted and continue to inflict significant reputational damage on the Applicants. As a result, false allegations, defamatory and/or harassing statements made by the anonymous YouTubers against the Applicants, SOURCE MUSIC and/or its other artists can cause damage to both those being attacked and the company. To date, SOURCE MUSIC’s efforts to locate these anonymous persons by searching publicly available information have not revealed the true identities of the YouTubers.

10. Based on the words and expressions in these Shorts that were published in the Korean language, we believe that the YouTubers are native Korean speakers and are in Korea. To date, we have not discovered anything that would indicate they are non-Korean citizens or that

¹¹ <https://www.youtube.com/watch?v=JzAlr69p6bo>.

1 they are residing in the US.

2 11. On May 31, 2024, the Applicants filed a criminal complaint against the
3 anonymous YouTubers with the Seoul Yongsan Police Station in Seoul, Korea (“**Korean**
4 **Criminal Matter**”) for publishing defamatory YouTube videos. The Applicants are claiming
5 defamation pursuant to Article 70, Paragraph 2 of the Act on Promotion of Information and
6 Communications Network Utilization and Information Protection and crime of insult pursuant to
7 Article 311 of the Korean Criminal Act against the YouTubers.

8 12. Unless the true identities of the anonymous YouTubers are revealed, the
9 Applicants will not be able to prosecute the Korean Criminal Matter. As a result, the Applicants
10 intend to use the identities of the anonymous YouTubers for the Korean Criminal Matter.

11 13. The anonymous YouTubers’ false, defamatory and/or harassing statements¹³ have
12 caused irreparable harm to the Applicants and SOURCE MUSIC’s business. We look forward to
13 identifying the persons responsible for these statements so that the Applicants’ rights can be
14 recognized by the Korean courts.

15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
16 United States of America that the foregoing is true and correct.

17 Executed on May 31, 2024

18
19 /s/ Mi Gyeong Koo
20 MI GYEONG KOO
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27 ¹² <https://www.youtube.com/watch?v=GhXhQdnwoWY>.

28 ¹³ Since these statements have already been published, we are not seeking any communications or contents of any
communications through the Applicants’ Section 1782 request for limited discovery.

Exhibit 1

YouTube

Search

Home Shorts Subscriptions You History

Sign in to like videos, comment, and subscribe.

Sign in

Explore

Trending Shopping Music Movies Live Gaming Sports Courses Podcasts

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이슈피드

@issuefeed · 327K subscribers · 1K videos

안녕하세요, 스토리와 순위, 랭킹 등 다양한 주제로 완결 영상을 매일 업로드하는 이슈피드...more

Instagram.com/issuefeed and 2 more links

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결혼식에 수학 선생도 안왔다는 역대급 노연성 개그맨... 5.2M views · 2 years ago

보란듯이 겸손한 후에니름이 장현석을 향해 난민 알성!... 4.2M views · 2 years ago

이대영 버프고 배론듯한 장현경, 지금 보면 소름돋는 과거... 3.9M views · 2 years ago

브레이브걸스 풀린 역주행하기 전에 할피해버린 멤버의... 3.8M views · 2 years ago

누가 장미란이여가... 역대급 수장미란 최근 근황에 난리... 3.2M views · 2 years ago

장원영 빌라버런다던 "르세라핌 감가함" 직캠 단란 "아이... 3.2M views · 2 years ago

Videos ▶ Play all

최고의 부인... 61K views · 6 months ago

소름돋는다고... 50K views · 7 months ago

정동준... 208K views · 7 months ago

나 다시 돌아왔어... 218K views · 7 months ago

한작사가 폭로한... 56K views · 7 months ago

이전 100% 주력... 198K views · 7 months ago

Shorts

전국 대학축제에서 100% 손절당한 르세라핌... 552K views

과연 누구였을까? 뉴진스 예능 광고 뽐내서 타... 223K views

한국 방송에 불만 많아보이는 르세라핌 사쿠라... 871K views

얼굴은 예기인데 몸매 마... 뉴진스 하나... 748K views

의류 때문에 힘들다는... 1M views

고려대 뉴진스 vs 아카... 1.2M views

Exhibit 2

YouTube KR

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Shorts

Subscriptions

You

History

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Sign in

Explore

Trending

Shopping

Music

Movies

Live

Gaming

Sports

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숯차장

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크세리핑 대학축제 안나오고 이거 하는중? 28K views

카리니 조희수 조희수 조희수 조희수 원터가 피해자라고? 75K views

영시에서 라이브 실력 들통난 아이브 ㅋㅋ 229K views

장송곡인데도 찍었다? 생각해 보이는 종은재... 822K views

장독수용소 법정 재판 소름돋는 가격;; 159K views

아말랑 장독수에 이 집안 한 민회진 ㅋㅋ 100K views